

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

v.)

DARREN F. WILDER)

CASE NO. 04CR10217GAO

DEFENDANT’S MOTION TO ADVANCE SENTENCING HEARING

NOW COMES the Defendant, Darren Wilder, through counsel, and respectfully moves this Honorable Court to advance his Sentencing Hearing from June 28, 2006, until any earlier date, as soon as possible, which is convenient for the Court. In support thereof, counsel states the following.

1. This Court has scheduled a Sentencing Hearing in the instant matter for June 28, 2006.
2. Mr. Wilder is currently incarcerated at the Essex County Correctional Center in Middleton, MA.
3. Mr. Wilder has described the conditions of said facility as deplorable and overcrowded.
4. The undersigned counsel has been advised that there is a two month backlog from the date of Sentencing for the U.S. Bureau of Prisons in assigning facility designations.
5. Mr. Wilder is eligible for the sex offender treatment program at Ft. Devins.
6. A Pre-Sentence Report was prepared for Mr. Wilder in a previous case in this District as recently as 2000.
7. Mr. Wilder’s sentence will be controlled in large part by the mandatory

minimum sentences for which he has been convicted and not a Guidelines analysis.

8. As a result, the undersigned counsel does not expect there to be significant issues for the Court to resolve at a Sentencing Hearing.

9. The United States Probation Department through its representative Jeff Smith has indicated that he objects to the instant motion based upon his current case load and other Court obligations.

WHEREFORE, based on the foregoing arguments and authorities this Honorable Court is respectfully urged to advance the Defendant's Sentencing Hearing to an earlier date which is convenient for the Court.

Respectfully submitted,



Peter Charles Horstmann, Esquire
BBO #556377
PARTRIDGE, ANKNER & HORSTMANN, LLP
200 Berkeley Street, 16th Floor
Boston, Massachusetts 02116
(617) 859-9999

CERTIFICATE OF SERVICE

I, Peter Charles Horstmann, Esquire, hereby certify that on this 11th day of April, 2006, a copy of the foregoing DEFENDANT'S MOTION TO ADVANCE SENTENCING HEARING was served electronically, upon Jeff Smith, United States Probation Officer, Federal Probation Services, 408 Atlantic Ave., Room 434, Boston, MA 02110 and upon Dana Gershengorn, Assistant United States Attorney, United States Attorneys Office, One Courthouse Way, Boston, MA 02210



Peter Charles Horstmann, Esquire